

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-CR-03989 WJ

vs.

ALLISTER QUINTANA,

Defendant.

UNOPPOSED MOTION TO RESCHEDULE SENTENCING

Defendant Allister Quintana, through his attorney, Ray Twohig, moves this Court for an order rescheduling the sentencing, which is currently set for April 22, 2020 at 10:00 am (Doc 59 Text) due to the complications arising from the Covid 19 Pandemic, with a proposed delay of two months. The grounds are as follows:

1. The Defendant has obtained the assistance of Dr. Christine Johnson, PhD, a forensic psychologist, to assist in understanding the mental health issues which the court should consider in imposing sentence in this matter.
2. The Presentence Report has been filed and submitted to counsel by the probation office on March 16, 2020. It has been reviewed by counsel and mailed to the Defendant, who is in custody at the McKinley County Detention Center. Due to orders issued by New Mexico Governor Lujan Grisham, visitation by counsel and Dr. Johnson is restricted, and both counsel and Dr. Johnson are directed and encouraged to shelter in place at the current time. This Court has substantially restricted activities taking place at the courthouses, and has entered orders,

including Administrative Order 20-MC-004-12 on March 30, 2020, finding that, depending on their circumstances, sentencings “cannot be conducted in person without seriously jeopardizing public health and safety” and authorizing use of video or telephone conferencing.

3. The sentencing in this case should be in person, and a delay of two months, as sought in this motion, may serve to alleviate the risk to a sufficient extent to allow for in person sentencing.
4. In the meantime, the time sought should enable the necessary meetings of counsel with Mr. Quintana, and provide the opportunities for Dr. Johnson to complete a meaningful psychological evaluation for counsel to submit it to the court along with sentencing memoranda to assist the court with sentencing. This time will also be necessary to address objections to the presentence report which has been filed.

Assistant United States Attorney Joseph Spindle does not oppose this motion.

Respectfully submitted,

/s/ Ray Twohig

Ray Twohig
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I hereby certify that on the 31st day of March, 2020, I filed the foregoing electronically through the CM/ECF system, which caused all parties and counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Ray Twohig

Ray Twohig